

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Robert Joseph Kroboth and	:	Chapter 12
Melanie Ann Kroboth	:	
Debtors	:	Case 4:16-bk-13342

ORDER

AND NOW, this 18th day of May, 2021, upon consideration of the Debtors' Section 363 Motion to Sell Real Property at Private Sale Free and Clear of Liens and Encumbrances and for Distribution of Proceeds at Settlement (the "**Motion**") and the Objection thereto filed by Fulton Bank, N.A. (the "**Objection**") in the above-captioned case, after notice and hearing, the Court concludes that cause exists under 11 U.S.C. § 363 for the granting the relief requested therein, as tailored in accordance with Fulton Bank, N.A.'s Objection. Accordingly, it is hereby ORDERED as follows:

1. That the Motion is GRANTED, in part, and the Objection is SUSTAINED, in part, in accordance with the terms of this Order;
2. If the closing of the sale of the Debtor's real property known 6312 Mud Run Road, Nazareth, PA 18064 comprised of three parcels with Northampton County Tax IDs G9-7-8-626F, G9-7-8-626X, and G9-7-7A-626F (collectively, the "**Property**") for \$450,000.00 in accordance with the Agreement attached to the Motion, with no adjustment of the purchase price (the "**Property Sale**"), is consummated by August 31, 2021, the Property shall be sold free and clear of all liens and encumbrances pursuant to 11 U.S.C. § 363 with the proceeds thereof to be distributed as follows:
 - a. First, to closing costs customarily paid by a seller of commercial real estate in Pennsylvania, which shall include neither broker's fees nor attorney's fees, shall include no more than 50% of any realty transfer tax not avoided by this Order, and which closing costs shall not exceed \$5,000 in total;

- b. Second, \$60,000 payable to Fulton Bank, N.A. directly from closing escrow to satisfy the March 26, 2021 and June 25, 2021 Out of Plan Loan Payments (as defined in the Objection);
 - c. Third, \$105,000 payable to the Trustee to pay the December 30, 2020 Plan payment in full;
 - d. Fourth, \$110,000; payable to the Trustee to be credited against the \$115,000 September 30, 2021 Plan payment; and
 - e. Fifth, the balance payable to Fulton Bank, N.A. directly from closing escrow to be credited against the \$380,000 payment due to Fulton Bank, N.A. from Debtors on November 30, 2021 pursuant to the Plan.
3. If the Property Sale is not consummated prior to September 1, 2021, but is consummated prior to September 30, 2021, the Property shall be sold free and clear of all liens and encumbrances pursuant to 11 U.S.C. § 363 with the proceeds thereof to be distributed as follows:
- a. First, to closing costs customarily paid by a seller of commercial real estate in Pennsylvania, which shall include neither broker's fees nor attorney's fees, shall include no more than 50% of any realty transfer tax not avoided by this Order, and which closing costs shall not exceed \$5,000 in total;
 - b. Second, \$90,000 payable to Fulton Bank, N.A. directly from closing escrow to satisfy the March 26, 2021, June 25, 2021, and September 24, 2021 Out of Plan Loan Payments (as defined in the Objection);
 - c. Third, \$105,000 payable to the Trustee to pay the December 30, 2020 Plan payment in full;
 - d. Fourth, \$80,000; payable to the Trustee to be credited against the \$115,000 September 30, 2021 Plan payment; and
 - e. Fifth, the balance payable to Fulton Bank, N.A. directly from closing escrow to be credited against the \$380,000 payment due to Fulton Bank, N.A. from Debtors on November 30, 2021 pursuant to the Plan.

4. Debtors are authorized to execute any and all documents and to perform any and all acts necessary to consummate the sale of the Property as authorized herein.

5. IT IS FURTHER ORDERED that this sale shall not be subject to Federal capital gains taxes and shall be treated pursuant to 11 U.S.C. §1232.

BY THE COURT:



Patricia M. Mayer
United States Bankruptcy Judge